

REMARKS

Reconsideration of the application is requested.

Claims 1-8 remain in the application. Claims 1-8 are subject to examination. Claims 1 and 3 have been amended.

In the first and second paragraphs on page 2 of the above-identified Office Action, the Examiner objected to the title. Applicant has amended the title per the Examiner's suggestion.

In the third through fifth paragraphs on page 2 of the above-identified Office Action, the Examiner objected to informalities in claims 1 and 3. Claims 1 and 3 have been amended following the Examiner's suggestions.

The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections - 35 USC § 102" on pages 3 and 4 of the above-identified Office Action, claims 1-4, 7 and 8 have been rejected as being fully anticipated by U.S.

Patent Publication No. 2003/0025566 A1 to Rogers (hereinafter Rogers) under 35 U.S.C. § 102.

Applicant respectfully notes that Rogers has a United States filing date of **August 2, 2001**. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application is a continuation application of copending International Application Serial No. **PCT/DE02/01996**, filed **May 29, 2002**, which claims international priority of the German Application No. **101 26 608.1**, filed **May 31, 2001**, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Rogers by more than two months. Because Rogers was filed after the priority date of the instant application, applicant respectfully believes that Rogers is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Applicant filed a Claim for Priority including a certified copy of German application **101 26 608.1** on December 15, 2003. Please find enclosed a certified English translation of the German application. Accordingly, applicant respectfully believes

that priority has been perfected and Rogers is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on pages 3 to 4 of the Office action is now moot.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Finally, applicant(s) appreciatively acknowledge(s) the Examiner's statement that claims 5 and 6 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of the claims is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1-8 are solicited.

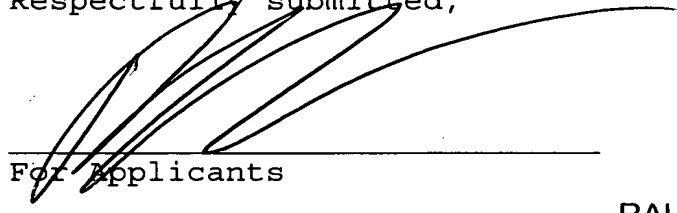
If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith

• Appl. No. 10/718,776
• Amdt. Dated May 28, 2004
Reply to Office Action of May 20, 2004

should be charged to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

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REL:cgm

May 28, 2004

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